

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.15626 of 2005

Between:

- 1 Sripathi Goverdhan Reddy, S/o.S.Narsi Reddy
R/o.Plot No.712 Sri Krishna Devaraya Nagar,
Vanasthalipuram, Hyderabad.
- 2 B.Lakshma Reddy S/o.Buchireddy
Plot No.321, B.N.Reddy Nagar Colony Vanasthalipuram Hyderabad

(Three Documents)

- 3 Mamilla Yogeshwar Reddy S/o.Satyanarayana Reddy
R/o.Plot No.512, Srikrishna Devaraya Nagar, Vanasthalipuram

R.R.District.

- 4 Mamilla Saroja, S/o.Satyanarayana Reddy
R/o.Plot No.512, Srikrishna Devaraya Nagar, Vanasthalipuram,

R.R.District.

- 5 Mamilla Vasanthi W/o.Mamilla Sridhar Reddy
R/o.Plot No.512, Srikrishna Devaraya Nagar, Vanasthalipuram,

R.R.District.

- 6 Sri Akula Venkat Reddy S/o.A.Mohan Reddy
R/o.Enalguda Village, Ibahimpatnam Mandal Ranga Reddy District.
- 7 Akula Srinivas Reddy S/o.A.Dhan Reddy,
R/o. Plot No./33, Flat No.G-12, Huda Complex, Saroornagar,

Hyderabad.

- 8 Aeruva Venkat Reddy S/o.A.Malla Reddy
R/o. Plot No.62, Sriram Nagar B.N. Reddy Nagar, Hyderabad.
- 9 K.Swapna Reddy D/o.K.Bhasker Reddy
R/o.H.No.4-9, Sheriguda Village ibrahimpatnam Mandal, R.R.District.

..... PETITIONERS

AND

1 The State of Andhra Pradesh, Rep. by its Special Chief Secretary to
the Revenue Department, Secretariat, Hyderabad.

2 The District Registrar of Stamps and Registration, Ranga Reddy
District.

3 The Sub Registrar, Champapet, Ranga Reddy District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent No.3 in not registering and releasing the petitioners sale deeds as bad, arbitrary, illegal, discriminatory, violative of principles of natural justice and contrary to G.O. Ms. No. 807 (Revenue) (Regn-I) Dept. dated 13-10-2004 and consequently direct the respondent No.3 to release the sale deeds of the petitioners after due registration of their plots.

Counsel for the Petitioners: MR G. DAMODAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

2. This writ petition is filed questioning the action of the 3rd respondent-Sub-Registrar, Champapet, Rangareddy District, in not registering and releasing the sale deeds of the petitioners as per G.O. Ms. No. 807, Revenue (Registration-I) Department, dated 13.10.2004, as illegal, arbitrary, discriminatory, violative of principles of natural justice and contrary to G.O.Ms.No.807, dated 13.10.2004 and consequently to direct the 3rd respondent to release the sale deeds of the petitioners after due registration of their respective plots.

3. The petitioners contend that they purchased certain residential plots in S.Nos.57 to 60, situated at Karmanghat village, Saroornagar Mandal, Rangareddy District. They paid the requisite registration fee and submitted their sale deeds to the 3rd respondent for registration. But, the 3rd respondent refused to register the sale deeds on the ground that the State Government had issued G.O.Ms.No.751, dated

12.12.2001, wherein it was declared that registration of documents of immovable property in the said survey numbers was opposed to public policy. All the Sub-Registrars were directed not to register any sale deeds pertaining to the said survey numbers and to pass refusal orders. Subsequently, Government issued G.O.Ms.No.807, dated 13.10.2004 under sub-Section 1 of Section 22-A of the Registration Act, 1908, de-notifying the earlier notification issued in G.O.Ms.NO.751, dated 12.12.2001 in respect of the lands situated in the said survey numbers.

4. It is the case of the petitioners that in the light of G.O.Ms.No.807, dated 13.10.2004, the objections raised by the 3rd respondent, on the basis of G.O.Ms.NO.751, dated 12.12.2001, do not exist. The petitioners placed reliance on the judgment of this Court in W.P.NO.11805 of 2005, dated 07.06.2005, wherein this Court directed the respondents to release the documents presented by the petitioners for registration without raising any objection on the basis of the said G.O.Ms.No.751, dated 12.12.2001. However, this Court made it clear that the order passed in W.P.No.11805 of 2005, dated 07.06.2005 did not disable the registering authority to withhold the registration of documents, if there were some other objections for the registration of the documents, other than on the basis of G.O.Ms.No.751, dated 12.12.2001 and if there be other objections, the registering authority was directed to communicate such objections to the petitioners.

5. Accordingly, this writ petition is also disposed of in terms of the order passed in W.P.No.11805 of 2005, dated 07.06.2005 with the following directions: The respondents shall release the documents presented by the petitioners for registration without raising any objections on the basis of G.O.Ms.No.751, dated 12.12.2001. The registering authority, however, is not disabled from withholding registration if there are some other objections to the registration of the documents other than on the basis of G.O.Ms.No.751, dated 12.12.2001. If there be other objections, the registering authority shall communicate such objections to the petitioners.

6. The Writ Petition is disposed of accordingly. No order as to costs.

(RAMESH RANGANATHAN, J)

Date: 21.07.2005

Nsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Special Chief Secretary to the Revenue Department, State of Andhra Pradesh, Secretariat, Hyderabad.
- 2 The District Registrar of Stamps and Registration, Ranga Reddy

District.

3 The Sub Registrar, Champapet, Ranga Reddy District.

4 Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)

5 2 CD copies

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